

Rule 8. Interpreters**Definitions**

1. "Coordinator" means the Court Interpreter Program Coordinator assigned to the State Court Administrator's Office.

2. "Roster" means the Minnesota statewide roster of court interpreters.

(Added effective September 19, 1996; amended effective January 2, 2006; amended effective July 1, 2020.)

Rule 8.01 Statewide Roster

The State Court Administrator shall maintain and publish a statewide roster of certified and non-certified interpreters.

(a) Spoken Language Court Interpreters: To be included on the Statewide Roster, spoken language court interpreters must have: (1) reached the age of at least 18 years; (2) completed the interpreter orientation program sponsored by the State Court Administrator; (3) filed with the State Court Administrator an affidavit agreeing to be bound by the Code of Professional Responsibility for Interpreters in the Minnesota State Court System, the State Court Administrator's Office Enforcement Procedures for the Code of Professional Responsibility for Court Interpreters, and all applicable Court Interpreter Program policies; (4) met the character and fitness standards in Rule 8.06 and any other eligibility standards published by the State Court Administrator; and (5) received a passing score on the English proficiency, ethics, and court terminology examination administered or approved by the State Court Administrator.

(b) Certified Spoken Language Court Interpreters: To be included on the Statewide Roster as a certified spoken language court interpreter, interpreters must have satisfied all requirements in paragraph (a), and met all requirements for certification pursuant to Rules 8.04 and 8.05. Certification is not available for all languages.

(c) Sign Language Court Interpreters: To be included on the Statewide Roster, sign language court interpreters must:

(1) have satisfied all requirements in paragraph (a);

(2) be a member in good standing with the Registry of Interpreters for the Deaf (RID); and,

(3) possess certificate(s) from RID that demonstrate minimum competency in sign language or another equivalent valid qualification approved by the State Court Administrator.

(d) Certified Sign Language Court Interpreters: To be included on the Statewide Roster as a certified sign language court interpreter, interpreters must have satisfied all requirements of paragraph (c), and possess the special certification "Legal" from the Registry of Interpreters for the Deaf or another equivalent valid certification approved by the State Court Administrator.

(Added effective January 1, 1996; amended effective January 1, 1998; amended effective March 15, 2002; amended effective January 1, 2006; amended effective January 1, 2007; amended effective July 1, 2020.)

Advisory Committee Comment - 1997 Amendment

It is the policy of the state to provide interpreters to litigants and witnesses in civil and criminal proceedings who are handicapped in communication. Minnesota Statutes 1996, sections 611.30 to 611.32; Minn. R. Crim. P. 5.01, 15.01, 15.03, 15.11, 21.01, 26.03, 27.04, subd. 2; Minnesota Statutes

1996, section 546.44, subdivision 3; see also 42 U.S.C. section 12101; 28 C.F.R. Part 35, section 130 (prohibiting discrimination in public services on basis of disability).

To effectuate that policy, the Minnesota Supreme Court has initiated a statewide orientation program of training for court interpreters and promulgated the Rules on Certification of Court Interpreters. Pursuant to Rule 8.01 of the Minn. Gen. R. Prac. for the District Courts, the State Court Administrator has established a statewide roster of court interpreters who have completed the orientation program on the Minnesota court system and court interpreting and who have filed an affidavit attesting that they understand and agree to comply with the Code of Professional Responsibility for Court Interpreters adopted by the Minnesota Supreme Court on September 18, 1995. The creation of the roster is the first step in a process that is being undertaken to ensure the competence of court interpreters. To be listed on the roster, a non-certified court interpreter must attend an orientation course provided or approved by the State Court Administrator. The purpose of the orientation is to provide interpreters with information regarding the Code of Professional Responsibility, the role of interpreters in our courts, skills required of court interpreters, the legal process, and legal terminology. Merely being listed on the roster does not certify or otherwise guarantee an interpreter's competence.

In 1997, two key changes were made to this rule. First, interpreters are now required to receive a passing score on the ethics examination before they are eligible to be listed on the Statewide Roster. This change was implemented to ensure that court interpreters on the Statewide Roster have a demonstrated knowledge of the Code of Professional Responsibility.

Second, to be eligible to be listed on the Statewide Roster, non-certified sign language court interpreters are required to possess certificates from the Registry of Interpreters for the Deaf (RID), which demonstrate that the interpreter has minimum competency skills in sign language. This change was recommended by the Advisory Committee because of reports to the Committee that courts were hiring sign language interpreters who completed the orientation training, but who were not certified by RID. This practice was troubling because prior to the promulgation of Rule 8, courts generally adopted the practice of using only RID certified sign language interpreters to ensure a minimum level of competency. Unlike most spoken language interpreting fields, the field of sign language interpreting is well established with nationally developed standards for evaluation and certification of sign language interpreters. Because of the long history of RID, its certification program, the availability of RID certified sign language interpreters in Minnesota and the recent incidents when courts have deviated from their general practice of appointing RID certified sign language interpreters, the Advisory Committee determined that it is appropriate and necessary to amend Rule 8 to maintain the current levels of professionalism and competency among non-certified sign language court interpreters.

Advisory Committee Comment - 2007 Amendment

Rule 8.01(b) is amended to add a new subsection (4). This subsection imposes an additional requirement that court interpreters demonstrate proficiency in English as well as the foreign languages for which they will be listed. This provision is necessary because certification is currently offered only in 12 languages and many of the state's interpreters are not certified. This change is intended to minimize the current problems involving need to use non-certified interpreters who now often do not possess sufficient English language skills to be effective.

Rule 8.02 Appointment; Applicability of Ethics Rules to All Interpreters

(a) Use of Certified Court Interpreter. Whenever an interpreter is required to be appointed by the court, the court shall appoint a certified court interpreter who is listed on the statewide roster of interpreters established by the State Court Administrator under Rule 8.01, except as provided in

Rule 8.02(b), (c), (d), and (e). A certified court interpreter shall be presumed competent to interpret in all court proceedings. The court may, at any time, make further inquiry into the appointment of a particular certified court interpreter. By objection made at the commencement of a proceeding, or by motion made appropriately in advance of a proceeding, special circumstances which render the certified court interpreter unqualified to interpret in the proceeding must be presented to the court. The court shall use a certified court interpreter except when no certified court interpreter is reasonably available. A certified interpreter is not reasonably available if the hearing would have to be unreasonably delayed to secure the presence of the interpreter, if the interpreter would have to travel an unreasonable distance to attend the hearing, or if the interpreter is unwilling to provide interpreting services by remote means at the request of the court.

(b) Use of Non-certified Court Interpreter on the Statewide Roster. If no certified or employee court interpreter is reasonably available, the court shall appoint a non-certified court interpreter who is otherwise competent and is listed on the Statewide Roster established by the State Court Administrator under Rule 8.01. If the Roster includes additional information regarding an interpreter's level or experience, competency, and qualification, the court shall appoint from among the highest ranked interpreters available. In determining whether a non-certified court interpreter is competent, the court shall apply the screening standards published by the State Court Administrator.

(c) Use of Spoken Language Court Interpreter not on the Statewide Roster. Only after the court has determined that the requirements of Rule 8.02(a) and (b) cannot be met may the court appoint a spoken language interpreter who is not listed on the Statewide Roster and who is otherwise competent. In determining whether a spoken language interpreter is competent, the court shall apply the screening standards published by the State Court Administrator. The court may appoint an interpreter certified in another state.

(d) Use of Non-certified Sign Language Court Interpreter not on the Statewide Roster. Only after determining that the requirements of Rule 8.02(a) and (b) cannot be met may the court appoint a non-certified sign language interpreter(s) who is not listed on the Statewide Roster. The court must appoint an interpreter(s) who can establish effective communication and who meets the requirements of Rule 8.01(c), paragraphs (2) and (3).

(e) Use of Employee Court Interpreter. In recognition that certification is not available for all languages and that non-certified interpreters can nevertheless be competent and qualified to perform interpretation services for the courts, and in recognition that availability of court interpreters on a statewide basis is a critical concern, the Minnesota Judicial Branch may employ qualified and competent interpreters to perform interpreter services for the courts. Employee interpreters must have (1) satisfied all requirements in Rule 8.01(a); (2) satisfied all requirements for certification in Rule 8.05, or met the competency standards established by the State Court Administrator; and (3) been found to be qualified and competent by the Chief Judge in the judicial district of primary employment and taken the oath required by Minnesota Statutes, sections 546.44, subdivision 2, and 611.33, subdivision 2. An employee interpreter who has taken the required oath is not required to take the oath at any subsequent court proceedings. An employee court interpreter shall be presumed competent to interpret in all court proceedings. The court may, at any time, make further inquiry into the appointment of a particular employee court interpreter. By objection made at the commencement of the proceeding, or by motion made appropriately in advance of a proceeding, special circumstances which render the employee court interpreter unqualified to interpret in the proceeding must be presented to the court.

(f) Applicability of Ethics Rules to All Interpreters. All interpreters providing court interpreting services are subject to the Code of Professional Responsibility for Interpreters in the

Minnesota State Court System and Court Interpreter Program policies, without regard to whether they are certified or on the Statewide Roster. Interpreters on the Statewide Roster are also subject to the State Court Administrator's Office Enforcement Procedures for the Code of Professional Responsibility for Court Interpreters.

(Added effective January 1, 1996; amended effective January 1, 1998; amended effective March 15, 2002; amended effective July 1, 2020.)

Advisory Committee Comment - 2002 Amendment

Rule 8.02(a) requires that courts use certified court interpreters. If certified court interpreters are not available or cannot be located, courts should next use only interpreters listed on the statewide roster maintained by the State Court Administrator. Rule 8.02 recognizes, however, that in rare circumstances it will not be possible to appoint an interpreter from the statewide roster. Non-roster interpreters and telephone interpreting services, such as AT & T's Language Lines Service, should be used only as a last resort because of the limitations of such services including the lack of a minimum orientation to the Minnesota Court System and to the requirements of court interpreting. For a detailed discussion of the issues, see Court Interpretation: Model Guides for Policy and Practice in the State Courts, chapter 8 (National Center for State Courts, 1995), a copy of which is available from the State Court Administrator's Office.

To avoid unreasonable objections to a certified court interpreter in a proceeding, the rule makes a presumption that the certified court interpreter is competent. However, the rule also recognizes that there are situations when an interpreter may be competent to interpret, but not qualified. Examples of such situations include when an interpreter has a conflict of interest or the user of the interpreter services has unique demands, such as services tailored to a person with minimal language skills, that the interpreter is not as qualified to meet.

Rule 8.02(b) requires that courts make "diligent" efforts to locate a certified court interpreter before appointing a non-certified court interpreter. Because the certification process is still in an early stage and because it is important to ensure that courts use competent interpreters, courts should seek the services of certified court interpreters who are located outside the court's judicial district if none can be found within its own district. In addition, courts should consider modifying the schedule for a matter if there is difficulty locating a certified interpreter for a particular time.

Because the certification program being implemented by the State Court Administrator is still new, interpreters are being certified in only certain languages at this time. The Advisory Committee recognizes that it may be some time before certification is provided for all languages used in our courts. However, the committee feels strongly that for those languages for which certification has been issued, the courts must utilize certified court interpreters to ensure that its interpreters are qualified. If a court uses non-certified court interpreters, court administrators should administer the screening standards prior to hiring an interpreter. However, the presiding judge is still primarily responsible for ensuring the competence and qualifications of the interpreter. A model voir dire to determine the competence and qualifications of an interpreter is set forth in the State Court Administrator's Best Practices Manual on Court Interpreters.

The Supreme Court has received reports that courts do not always comply with Rule 8.02(b)'s requirements that courts make "diligent" efforts to locate a certified court interpreter before appointing a non-certified court interpreter. Apparently there is some confusion about the meaning of "diligent" efforts. To clarify, to satisfy the diligent efforts requirement a court must demonstrate that, after receiving a request for an interpreter, the court made prompt attempts to hire a certified court interpreter. If the court could not find a certified court interpreter within its judicial district, it must show that it attempted to locate a certified interpreter in another judicial district. If no

certified interpreter is available, the court must consider modifying the schedule for the matter before resorting to hiring a non-certified court interpreter.

Rule 8.03 Disqualification from Appointment or Proceeding

A judge may disqualify a court interpreter from an appointment under Rule 8.02 or a proceeding for good cause. Good cause for disqualification includes, but is not limited to, an interpreter who engages in the following conduct:

- (a) Knowingly and willfully making a false interpretation while serving in a proceeding;
- (b) Knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;
- (c) Failing to follow applicable laws, rules of court, the Code of Professional Responsibility for Interpreters in the Minnesota State Court System, or Court Interpreter Program policies.

(Added effective January 1, 1996; amended effective January 1, 1998; amended effective July 1, 2020.)

Advisory Committee Comment - 1995 Amendment

Interpreters must take an oath or affirmation to make a true interpretation to the best of their ability, to the person handicapped in communication and to officials. Minnesota Statutes 1994, sections 546.44, subdivision 2; 611.33, subdivision 2. Interpreters cannot disclose privileged information without consent. Minnesota Statutes 1994, sections 546.44, subdivision 4; 611.33, subdivision 4. These and other requirements are also addressed in the Code of Professional Responsibility for Interpreters in the Minnesota State Court System.

Rule 8.04 General Requirement for Court Interpreter Certification

(a) Eligibility for Certification. An applicant is eligible for certification if the interpreter:

- (1) meets the requirements under Rule 8.01 and is included on the Statewide Roster of court interpreters; and
- (2) receives a passing score on the court interpreting competency examination under Rule 8.05 administered or approved by the State Court Administrator's Office.

(Added effective January 1, 2006; amended effective July 1, 2020.)

Rule 8.05 Court Interpreter Certification Examination

(a) Eligibility for Examination. An applicant is eligible to take the court interpreting competency examination if the applicant:

- (1) meets the requirements under Rule 8.01 and is included on the Statewide Roster;
- (2) has paid the examination fee; and
- (3) has registered to take the examination and met all other requirements for examination as determined by the State Court Administrator.

(b) Examination. Examinations for court interpreting competency in specific languages shall be administered at such times and places as the Coordinator may designate.

(1) Scope of Examination. Applicants for certification in interpreting in a spoken language may be tested on any combination of the following:

- a. Sight Interpretation;
- b. Consecutive Interpretation; and
- c. Simultaneous Interpretation.

(2) Denial of Opportunity to Test. An applicant may be denied permission to take an examination if an application, together with the application fee, is not complete and filed in a timely manner.

(3) Results of Examination. The results of the examination, which may include scores, shall be delivered to examinees to the address listed in the Coordinator's files. Statistical information relating to the examinations, applicants, and the work of the State Court Administrator's Office may be released at the discretion of the State Court Administrator's Office. Pass/fail examination results may be released to (1) District Administrators by the State Court Administrator's Office for purposes of assuring that interpreters are appointed in accordance with Rule 8.02, and (2) any state court interpreter certification authority, including the National Center for State Courts.

(4) Testing Accommodations. A qualified applicant with a disability who requires reasonable accommodations must submit a written request to the Coordinator at the same time the application is filed. The Coordinator will consider timely requests and advise the applicant of what, if any, reasonable accommodations will be provided. The Coordinator may request additional information, including medical evidence or other written documentation, from the applicant prior to providing accommodations to the applicant.

(5) Confidentiality. Except as otherwise provided in Rule 8.05(b)(3), all information relating to the examinations is confidential unless the examinee waives confidentiality. The State Court Administrator's Office shall take steps to ensure the security and confidentiality of all examination information.

(c) Notification of Certification. The Coordinator shall notify applicants in writing, including by electronic means, regarding whether the applicant has passed the examination and has met all other requirements for certification.

(Added effective January 1, 2006; amended effective January 1, 2007; amended effective July 1, 2020.)

Drafting Committee Comment - 1996 Amendment

The Minnesota Supreme Court is one of the founding states of the State Court Interpreter Certification Consortium. It is the function of the Consortium to develop tests for court interpretation in various languages and administration standards, and to provide testing materials to individual states and jurisdictions. The Minnesota State Court Administrator's Office will in most circumstances utilize tests and standards established by or in conjunction with the Consortium.

Advisory Committee Comment - 2007 Amendment

Rule 8.05(a)(3) is amended to facilitate verification of interpreters' qualification by permitting the release of the interpreter test results to court administrators or interpreter program administrators.

Rule 8.05(a)(5) is amended to provide for the waiver of confidentiality by examinees for the purpose of permitting the release of examination information upon their request.

Rule 8.06 Character and Fitness Standards for Inclusion on the Statewide Roster

The State Court Administrator's Office shall perform its duties in a manner that ensures the protection of the public by including on the Statewide Roster only those who qualify and who meet character and fitness standards. A court interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and others with respect to the official duties owed to them. A record manifesting significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant may constitute a basis for denial of inclusion on the Statewide Roster.

(a) Relevant Conduct. The revelation or discovery of any of the following should be treated as cause for further inquiry before the State Court Administrator's Office decides whether the interpreter possesses the character and fitness to qualify for inclusion on the Statewide Roster:

- (1) conviction of a crime which resulted in a sentence or a suspended sentence;
- (2) misconduct involving dishonesty, fraud, deceit or misrepresentation;
- (3) revocation or suspension of certification as an interpreter, or for any other position or license for which a character check was performed in this state or in other jurisdictions; and
- (4) acts that indicate abuse of or disrespect for the judicial process.

(b) Evaluation of Character and Fitness. The State Court Administrator's Office shall determine whether the present character and fitness of a court interpreter qualifies the interpreter for inclusion on the roster. In making this determination, the following factors should be considered in assigning weight and significance to prior conduct:

- (1) the interpreter's age at the time of the conduct;
- (2) the recency of the conduct;
- (3) the reliability of the information concerning the conduct;
- (4) the seriousness of the conduct;
- (5) the factors underlying the conduct;
- (6) the cumulative effect of the conduct;
- (7) the evidence of rehabilitation;
- (8) the interpreter's positive social contributions since the conduct;
- (9) the interpreter's candor in the certification process; and
- (10) the materiality of any admissions or misrepresentations.

(c) Notification of Results of Character and Fitness Evaluation. The Coordinator shall notify interpreters in writing of a determination that the interpreter failed to meet the character and fitness requirements for inclusion on the roster or for certification. A decision by the State Court Administrator's Office to not add an applicant to the roster is not governed by Rule 8.08 and is not appealable or reviewable under these rules. Suspension or removal from the Statewide Roster of Interpreters included on the roster is governed by Rule 8.08.

(d) Information Disclosure.

(1) Court Interpreter's File. An interpreter may review the contents of his or her file, except for the work product of the Coordinator and the State Court Administrator's Office, at such times and under such conditions as the State Court Administrator's Office may provide.

(2) Investigation Disclosures for Purposes of Character and Fitness Evaluation. Information may be released to appropriate agencies for the purpose of obtaining information related to the applicant's character and fitness.

(3) Confidentiality.

i. Evaluation Data: Information obtained by the Coordinator and the State Court Administrator's Office during the course of their evaluation is confidential and may not be released to anyone absent a court order. The court shall consider whether the benefit to the person requesting the release of the data outweighs the harm to the public, the agency or any person identified in the data.

ii. File Data: All information contained in the files of court interpreters in the State Court Administrator's Office except as otherwise provided in Rule 8.06(d)3 of these rules is confidential and will not be released to anyone except upon order of a court of competent jurisdiction or the consent of the interpreter.

iii. Examination Information: Examination Information shall be available as provided in Rule 8.05(b).

(Added effective September 19, 1996; amended effective January 1, 2006; amended effective July 1, 2020.)

Drafting Committee Comment - 1996 Amendment

The primary purpose of character, fitness and competency screening is to ensure equal access to justice for people with limited English proficiency, or speech or hearing impairments. Such screening also ensures the efficient and effective operation of our judicial system. Our judicial system is adequately protected by a system that evaluates the character, fitness and competency of an interpreter as those elements relate to interpreting in the courtroom. The public interest requires that all participants in the courtroom be secure in their expectation that those who are certified interpreters are competent to render such services and are worthy of the trust that the courts, witnesses, jurors, attorneys and parties may reasonably place in the certified interpreter.

Rule 8.07 Denial of Certification

A decision by the State Court Administrator's Office to not list an applicant on the Statewide Roster as a certified spoken language interpreter based on a failed certification exam is not governed by Rule 8.08 and is not appealable or reviewable under these rules. A decision by the State Court Administrator's Office to not list an applicant on the Statewide Roster as a certified spoken language interpreter and to remove the applicant from the Statewide Roster based on the character and fitness standards in Rule 8.06 is governed by that rule and by Rule 8.08.

(Added effective January 1, 2006; amended effective January 1, 2020; amended effective July 1, 2020.)

Rule 8.08 Complaints and Investigation

(a) Procedure. Any complaint alleging a violation, or information that constitutes a violation, of Rule 8, the Court Interpreter Program policies, or the Code of Professional Responsibility for

Court Interpreters by any certified or non-certified court interpreter on the Statewide Roster shall be governed by procedures published by the State Court Administrator's Office. These procedures shall include the following:

- (1) a description of the types of actions which may be grounds for discipline;
- (2) a description of the types of sanctions available;
- (3) a procedure by which a person can file a complaint against an interpreter;
- (4) a procedure for the investigation of complaints;
- (5) a procedure for the review of complaints;
- (6) a hearing procedure for cases involving more severe sanctions; and
- (7) an appeal process when applicable.

(b) Revocation or Suspension of Certification or Roster Status. The certification or roster status of a court interpreter on the Statewide Roster is subject to suspension or revocation by the State Court Administrator's Office in accordance with the procedures established by the State Court Administrator's Office.

(Added effective January 1, 2006; amended effective July 1, 2020.)

Drafting Committee Comment - 1996 Amendment

The complaint procedure is not intended as a means for appealing claims of error by a court interpreter. The complaint procedure is available to address unprofessional or unethical conduct by certified and non-certified court interpreters. Consequently, in the absence of fraud, corrupt motive, bad faith, or pattern of established interpreter error, the Coordinator is not likely to initiate an investigation of a complaint of an error of a court interpreter.

It is contemplated that the power to revoke or suspend interpreter certification or roster status will be exercised sparingly and when exercised, consideration will be given to the appropriate procedure and the giving of notice and an opportunity to be heard if such process is due the interpreter.

Rule 8.09 Expenses and Fees

The expenses for administering the certification requirements, including the complaint procedures, may be paid from examination, training, and orientation fees. The fees shall be set by the State Court Administrator's Office and may be revised as necessary.

(Added effective September 19, 1996; amended effective January 2, 2006; amended effective July 1, 2020.)

Rule 8.10 Continuing Education Requirements

The State Court Administrator's Office may establish continuing education requirements for certified and non-certified interpreters on the Statewide Roster. Failure to complete the required education is grounds for suspension or revocation from the Statewide Roster under Rule 8.08.

(Added effective September 19, 1996; amended effective January 2, 2006; amended effective July 1, 2020.)

Rule 8.11 Confidentiality of Records

Subject to exceptions in Rules 8.01, 8.05(b)(3), 8.05(b)(5), and 8.06(d) of these rules, and the Enforcement Procedures for the Code of Professional Responsibility for Court Interpreters, all information in the files of the Coordinator, the Review Panel, and the State Court Administrator relating to court interpreters shall be confidential and shall not be released to anyone other than the Supreme Court except upon order of the Supreme Court.

(Added effective September 19, 1996; amended effective January 2, 2006; amended effective July 1, 2020.)

Drafting Committee Comment - 2000 Amendment

This rule is being added in 2000 to provide a consistent and necessary level of confidentiality for information maintained in the court interpreter orientation and certification process, including for example testing materials, orientation and registration information, and non-roster contact information. Both certified and non-certified interpreters included on the statewide roster under Rule 8.01 must attend orientation training and pass an ethics exam, but the confidentiality provisions in Rules 8.05 and 8.06 are limited to those seeking formal certification. Rule 8.11 ensures consistent confidentiality for all testing, orientation, registration and non-roster contact information, and is consistent with the level of accessibility accorded similar information in the attorney licensing process.

Rule 8.12 Interpreters to Assist Jurors

Qualified interpreters appointed by the court for any juror with a sensory disability may be present in the jury room to interpret while the jury is deliberating and voting.

(Added effective January 1, 2006; amended effective January 12, 2006.)

Advisory Committee Comment - 2006 Amendment

Rule 8.12 is intended to provide guidance on the role of interpreters appointed for the benefit of jurors with a sensory disability. The requirement that such interpreters be allowed to join the juror in the jury room is logical and necessary to permit the juror to communicate in deliberations. In this situation the interpreter should be given an oath to follow other constraints placed on jurors (e.g., not to discuss the case, not to read or listen to media accounts of the trial, etc.) and also that the interpreter will participate only in interpreting the statements of others, and will not become an additional juror. An interpreter in this situation should also not be allowed or required to testify as to any aspect of the jury's deliberations in any context a juror would not be allowed or required to testify.

This amendment is drawn from the language of Minn. R. Crim. P. 26.03 subd 16.

The rule is limited by its terms to interpreters appointed for the benefit of jurors with a sensory disability only because that is the only condition generally resulting in the appointment for jurors. In other, unusual, situations where such an interpreter is appointed, these procedures would presumably apply as well.

Rule 8.13 Requirement for Notice of Anticipated Need for Interpreter

In order to permit the court to make arrangements for the availability of required interpreter services, parties shall, in the Civil Cover Sheet or Joint Statement of the Case, and as may otherwise be required by the court rule or order, advise the court of that need in advance of the hearing or trial where services are required.

When it becomes apparent that previously-requested interpreter services will not be required, the parties must advise the court.

(Added effective March 1, 2009; amended effective July 1, 2013; amended effective July 1, 2020.)

Advisory Committee Comment - 2008 Amendment

Making a qualified interpreter available when needed in court often requires difficult prearrangement. Rule 8.13 is a simple rule drawing the attention of litigants to the likelihood they will encounter specific court rules or orders requiring identification of interpreter needs in advance of the need. See amendments to Rules 111.02, 111.03, 112.02, Forms 111.02 & 112.01, and Minnesota Civil Trialbook sections 5 & 11.

The second paragraph of the rule contains an obvious corollary: when it becomes clear that interpreter services will no longer be required, notice must be given to permit the court to avoid the expense that would otherwise be incurred. This notice would be required if a trial or hearing were obviated by settlement, and the requirement of notice is similar to that required by Minn. Gen. R. Prac. 115.10 for the settlement of a motion, which would obviate a hearing and the court's preparation for the hearing.